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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No.: CR 14 - 70298 PSG
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
v.)	
KISHORE PALLAPOTHU,)	[UNDER SEAL]
Defendant.)	

Defendant Kishore Pallapothu has been charged with a violation of 18 U.S.C. § 1505, Obstruction of Justice, and has been released on terms and conditions including an appearance bond and supervision by Pretrial Services.

This matter is scheduled to come before the Court for preliminary hearing or arraignment on indictment on Thursday, October 29, 2014.

Since the last calling of the case, defense counsel has reviewed additional discovery provided by the government and the government intends to make additional information available to the defendant in the near term. Additional time is required to receive, review and analyze the discovery. The parties are also continuing to discuss the merits of the underlying investigation relative to a possible disposition of this matter short of indictment and such disposition may include cooperation.

1 Accordingly, the parties mutually agree and hereby stipulate that a short continuance of this
 2 matter from October 29, 2014, until December 10, 2014, is necessary for effective preparation of
 3 counsel and for continuity of counsel. The parties further agree and stipulate that the time from October
 4 29, 2014, through and including December 10, 2014, may be excluded from the computation of time
 5 within which an information or indictment shall be filed under the Speedy Trial Act, in order to ensure
 6 the reasonable time necessary for effective preparation and continuity of counsel, pursuant to Title 18,
 7 United States Code Section 3161(b), (h)(7)(A), (h)(7)(B)(iv), as well as a mutual stipulation to waive
 8 time for an indictment or preliminary hearing, pursuant to Rule 5.1 of the Federal Rules of Criminal
 9 Procedure, up to and including December 10, 2014, based on the need for effective preparation of
 10 counsel and continuity of counsel.

11 Finally, as this document references a disposition including cooperation, the parties request that
 12 this stipulation and order be filed under seal.

13 **IT SO STIPULATED.**

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 15 MELINDA HAAG
 16 United States Attorney

17 Dated: October 27, 2014

18 /s/
 19 TIMOTHY J. LUCEY
 20 Assistant United States Attorney

21
 22 Dated: October 27, 2014

23 /s/
 24 EDWIN PRATHER
 25 Attorney for Defendant
 26 KISHORE PALLAPOTHU

[PROPOSED] ORDER

GOOD CAUSE APPEARING and per the parties' stipulation, the Court enters this order continuing the date for a preliminary hearing or arraignment on an indictment, from Wednesday, October 29, 2014, until Wednesday, December 10, 2014, at 1:30 p.m., before the duty magistrate judge, as well as documenting the defendant's waiver of the time to conduct a preliminary hearing under Federal Rule of Criminal Procedure Rule 5.1, as well as the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 29, 2014, up to and including December 10, 2014.

Finally, as this stipulation and order references cooperation, the document shall be filed under seal pending further order of this Court, except that copies may be provided to the United States and counsel for the defendant.

IT IS SO ORDERED.

Dated: _____

10/26/14



HON. HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE